APPEAL FROM THE FINAL REJECTION OF 9/26/05

1. *Party of Interest*:

The real party of interest is Dave Porter.

2. *Related Appeals and Interferences:*

There are no other appeals or interferences which affect or will be affected by the Board's decision known to Appellant.

3. *Status of Claims:*

Claims 1-22 were originally presented and amended in the action of 7/25/05. Additionally, claim 1 was proposed to be amended 1/30/06 to overcome an obvious typographical error. Claims 1-22, which stand rejected, are herein presented as amended in the proposed amendment for appeal.

Claims 1-22 stand rejected under 35 USC 103(a) as being unpatentable over Mayor (U.S. Patent No. 6,737,972), in view of Alton (U.S. Patent No. 3,594,752).

4. *Status of Amendments:*

An amendment was proposed on 1/30/06, proposing an amendment to claim 1. Also, on 7/25/05, an amendment was filed amending the drawings, overcoming objections to the specification and amending claims 1, 7, 11-18.

5. *Summary of the Claimed Subject Matter:*

The claimed instant invention is directed to a security device or system for use primarily with storage containers used primarily for transoceanic shipping. The arrangement is not limited to use with shipping containers. The device or system includes a sensing unit contained within a housing which may be retrofitted to a container. The housing contains an internal sensing unit, an external status indicator

and an internal power source. The system also includes a remote access device capable of actuating, de-actuating and receiving signals from the sensing unit.

Transoceanic containers generally comprise large metal units which are stored in volume, shipped in volume and again stored in volume prior to distribution to individual destinations.

In the various stored conditions, tampering and theft are problems. These problems are amplified as close inspection of each container is difficult, if not impossible, without moving or unloading the containers as stored. The instant invention remedies these problems.

The instant invention provides an apparatus and a method of easily and inexpensively providing individual containers without security with a security system.

The instant invention, in its basic conception, is shown most clearly in Figures 1-4. Figures 5-9 are schematic representations of various sensing conditions with various types of sensing devices with which the system may be adapted to operate.

The security system of the invention is designed to monitor the interior of a container to detect change and to deliver the sensed signal to include a visible signal to the exterior of the container. The system includes a tubular, elongated housing 50 which is adapted to fit into and through a port formed in an upper area of an end, a side wall or a closure of a container. The housing includes an external flange 57 and an internal lock collar. The body portion of the housing passes through a port formed in the container until the flange is engaged with the outer surface of the container positioning external indicator 56 outside the container and internal sensor dome 54 within the

container. Collar 58 is then positioned against the inner wall of the container locking the housing in position.

The external position 56 of the housing includes visual indicators including a green light 68 indicating safe and a blue light 66 indicating breached or change in condition. An infrared port 18 for transmitting and receiving wireless information to device 46 is also located on the external portion.

It is noted that the external status indicator of the monitoring system of the invention when operative provides a first visual signal indicating that the device is operative and the observed area is untampered or a second visual signal which also indicates that the device is operative and the observed area has been tampered with. The external status indicator further includes an infrared port 18 which transmits and receives information from a wireless device 46. Obviously, no visual signal indicates that the device is not operating. See page 8, first paragraph; pages 9 and 10, last and first paragraphs, respectively.

6. *Grounds of the Rejection:*

Claims 1-22 are rejected under 35 USC 103(a) as being unpatentable over Mayor '962 in view of Alton '752.

7. *Arguments:*

The rejection of claims 1-22 under 35 USC 103(a) as anticipated by Mayor in view of Alton is traversed, as the applied references fail to teach the claimed invention, either alone or in combination. The rejection is further traversed as the combination Mayor in view of Alton lacks motivation.

Regarding claim 1, the Examiner contends that Mayor discloses the claimed housing, the claimed sensors, the claimed processing unit and the claimed remote access. The claimed first visual signal is said to be met by the light being off and the second visual signal by the light being on.

The rejection states Mayor does not disclose the claim structure of a single housing mounted through a wall of the container and located on both the interior and exterior sides of the wall. The rejection states Alton discloses this structure. Thus, to modify the arrangement of Mayor to be consolidated in a singe housing, as taught by Alton, would be obvious.

The Mayor reference is directed to a stand alone alarm system for providing security. The system includes a housing 128 which includes a power source 112, a transmitter 114 and an alarm module 110. Leads pass from the alarm module out of the housing to a strobe 126, siren 118, sensors 116 and 122. The outside signal members 126 and 118 are activated only when an unwanted condition exists. None of the indicators are within the housing See column 4, lines 11-41 and column 8, lines 7-48. No visual signal indicating the system is active is provided.

The reference Alton is directed to a temperature sensing and alarm which includes a housing 18 which includes a flange 20 which is anchored to the outer side of the trailer. See column 2, lines 68-71. The light and all activating components are located in the housing outside the trailer. A temperature monitoring unit 10, which includes a tubular member 28 with a heat isolating member 32 at one end, is passed through a hole in the trailer wall. The tubular member 28 is provided with a flange 28 on its opposite end which extends through the rear wall 18a of housing 18 and is

connected therewith by nut 30. See column 3, lines 10-25. Clearly, Alton teaches a housing 18, mounted on the outer side of the trailer wall 12 , mounting an extension 28 which extends through the trailer wall to connect with the housing. In Alton, the alarm is either active or inactive. There is no signal indicating that it is operating and all is well.

Specifically, turning to claim 1, the claim calls for "a housing having first and second ends" with "said first end being disposed within said container and said second end disposed outside said container." No reference teaches this structure, not Mayor, not Alton.

The claim calls for "an external status indicator carried within said second end"..."having a first condition visually signaling a secure status"..." and a second condition visually signaling detection of a breach." No reference teaches this structure. Each reference has an active condition signaling breach and an inactive condition producing no signal. By signaling, the condition within the container is known. By signaling nothing, it is not known if the device is on, in default or if, in fact, no breach has occurred.

The claim finally calls for "whereby said security system provides a first signal"..."when the conditions within the containers are within said parameters." Again, the references fail to provide a signal, and specifically, a signal dictated by conditions within the container.

For these reasons, it is believed that claim 1 clearly patentably defines over the references of the rejection. Claims 2-10 depend from claim 1 and are believed allowable for the stated reasons.

Turning now to claim 11, the claim calls for a sensing device comprising "a housing for mounting through a side of said container." Also, "a sensor within said housing and positioned within said container"..."an external status indicator in communication with said sensor positioned within said housing on an exterior of said container." No reference of the rejection discloses a housing mounted through a wall having a first end within the container and a second end outside the container with each end having one of a sensor or indictor therein. As earlier pointed out, Mayor does not disclose a housing through a wall nor a housing carrying therein a sensor and status indicator. Alton clearly discloses housing 18 is mounted on the exterior of the container wall and that sensing element carrying assembly 31 is carried outside of and is attached to the housing.

The claim calls for "an indicator having a first condition signaling a secured status and a second condition signaling a breached status." Again, no reference of the rejection teaches structure so operating. Only a breached status is signaled.

For these reasons, it is believed claim 11 patentably defines over the references of the rejection. Claims 12-16 depend from claim 11 and are likewise thought to be patentable.

Claim 17 is drawn to a method of monitoring a shipping container. The claim calls for "providing a housing with an exterior monitor and an interior monitor." Also, for "positioning said housing to extend through an exterior surface of said container so that said interior monitor is positioned within the interior of said container and said exterior monitor is positioned outside said container." No reference of the rejection teaches this method. Mayor does not teach providing a housing with interior

and exterior monitors nor does it teach positioning a housing to extend through an exterior surface. Alton specifically describes a method of mounting the housing on an exterior surface.

The claim calls for "providing a central processing unit within the housing in communication with said interior and exterior monitors which receives signals from said interior monitor indicating secured and breached conditions." No reference of the rejection discloses a method of providing a central processing which receives signals from an interior monitor indicating second and breached conditions.

Finally, the claim calls for "providing the exterior monitor with a plurality of signaling elements" and "activating said elements in response to secure signals from said central processing unit and activating other of these elements in response to breached signals from said central processing unit." No reference of the rejection teaches a method of selectively activating separate signaling elements in response to one of secure and breached signals. For these reasons, it is thought that claim 17 clearly patentably defines over the references of the rejection. Claims 18-21 depend from claim 17 and are believed allowable for the reasons stated.

8. *Appendix of Claims:*

Claim 1 (currently amended): A security system for monitoring the interior of an enclosed container comprising:

a housing having first and second ends carried by said container, said first end being disposed within said container, and said second end being disposed outside said container;

a sensor carried within said first end of said housing for monitoring conditions within said container and signaling changes in said conditions;

an external status indicator carried within said second end of said housing for signaling current security status of the container;

said indicator having a first condition visually signaling a secured status within said container and a second condition visually signaling detection of a breach;

a central processing unit carried within said housing in communication with said sensor and said status indicator said central processing unit receiving information monitored by said sensor comparing said information against a set of established parameters and signaling said status indicator detection of a breach of said parameters;

a remote access device operatively associated with said sensor for deactivating and reactivating said sensor;

whereby said security system provides a first visual signal on the exterior of the container when the conditions within the container are within said parameters and a ~~secured~~ second visual signal when said parameters have been breached indicating tampering or unauthorized access into said container.

Claim 2 (original): The security system of claim 1 wherein said processing unit includes a computer readable medium for defining the type change within said container and the date and time of said change.

Claim 3 (original): The security system of claim 2 wherein said change may constitute a change in light conditions, temperature, motion, sound, radiation and any combination thereof.

Claim 4 (original): The security system of claim 1 wherein said remote access device is operative to receive, display and print condition information generated by said processing unit.

Claim 5 (original): The security system of claim 1 wherein said remote accessing device includes a global positioning system, whereby said remote access device is operative to generate location at the time of breach.

Claim 6 (original): The security system of claim 1 wherein said external status indicator includes indicator lights.

Claim 7 (previously presented): The security system of claim 1 including a power source within said housing for operating said sensing unit.

Claim 8 (original): The security system of claim 1 wherein said housing is removably mounted in an end wall or door of said container.

Claim 9 (original): The security system of claim 1 wherein said container is portable by land and sea transport.

Claim 10 (original): The security system of claim 1 wherein said second end includes an infrared port for receiving and transmitting information.

Claim 11 (currently amended): A sensing device for monitoring conditions within an interior of an enclosed container, said sensor device being operative to detect changes in conditions within said container caused by tampering or unauthorized access to the container, said sensor device comprising:

a housing for mounting through a side of said container;

a sensor dome including a sensor within said housing and positioned within said container for monitoring conditions within said container;

an external status indicator in communication with said sensor positioned within said housing and on an exterior of said container side, said status indictor signaling a current security status within said container based on signal output of said sensor;

said indicator having a first condition signaling a secured status and a second condition signaling a breached status;

whereby said external status indicator provides a visual signal to an inspector on the exterior of the container indicating an unbreached and a breached container.

Claim 12 (previously presented): The sensing device of claim 11 including a central processing unit associated with said sensor and status indicator, said processing unit being operative to monitor signals sent by said sensor, comparing said signals against a norm and sending signals to said status indicator indicating breach and no breach of said container interior.

Claim 13 (previously presented): The sensing device of claim 12 wherein said status indicator includes a port communicating with a wireless device, said port sending said breach and no breach signals to said wireless device.

Claim 14 (previously presented): The sensing device of claim 12 wherein said breach signal includes data indicating type of breach and time of breach.

Claim 15 (previously presented): The sensing device of claim 12 wherein said breach signal includes data indicating location of said container at the time of said breach.

Claim 16 (previously presented): The sensing device of claim 13 wherein said wireless device comprises one of a palm pilot, a laptop and a desk top.

Claim 17 (previously presented): A method of monitoring a shipping container comprising:

providing a housing with an exterior monitor and an interior monitor;

positioning said housing to extend through an exterior surface of said container so that said interior monitor is positioned within the interior of said container and said exterior monitor is positioned outside said container;

causing said interior monitor to sense between secure condition and breached condition within said container and to send signals in response to said conditions;

providing a central processing unit within said housing in communication with said interior and exterior monitors which receives signals from said interior monitor indicating secure and breached conditions within said container;

providing said exterior monitor with a plurality of signaling elements and activating selected of said elements in response to secure signals from said central processing unit and activating other of said elements in response to breached signals from said central processing unit; wherein,

when said container is in a secured condition a first signal is continuously provided indicating said container is in said secured condition and when said container is in a breached condition a second signal is continuously sent indicating said container is in said breached condition.

Claim 18 (previously presented): The method of claim 17 including providing that said interior monitor sense changes including at least one of light conditions, temperature, sound and radiation.

Claim 19 (original): The method of claim 17 including providing independent visual indicators for said exterior monitor.

Claim 20 (original): The method of claim 17 including providing satellite communication and monitoring the location of said container.

Claim 21 (original): The method of claim 17 including providing a remote access device in communication with said exterior monitor which functions to record at least one of date, time and location of a breach of said container.

Claim 22 (original): The method of claim 17 including providing a remote access device in communication with said exterior monitor and said central processing unit which functions to activate, deactivate and re-set said central processing unit.

9. *Evidence Appendix:*

(None)

10. *Related Proceedings Appendix:*

(None)

Favorable consideration is respectfully requested.

Respectfully submitted,

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